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January 9, 2023

Via ECF and Email

Hon. Edgardo Ramos
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: **Rachel Weingest v. Tropix Media & Entertainment, et al.**
Civil Action No.: 1:20-CV-00275-ER-SLC

Dear Judge Ramos:

This firm represents Third-Party Defendant Pickled Punk Sublease LLC (“Pickled Punk”) in the above-referenced action. The purpose of this letter is to request entry of an Order granting the motion by Pickled Punk to dismiss the Third-Party Complaint against it for lack of subject matter jurisdiction (Docs. 142-143).

The Court set November 29, 2022 as the deadline for Defendants/Third-Party Plaintiffs to file any opposition to the motion to dismiss. On November 29, 2022, Geoffrey Mueller, Esq., then counsel for Defendants/Third-Party Plaintiffs, filed a letter application seeking extension of time to file opposition. The Court did not grant that request. The Court subsequently entered an Order granting Mr. Mueller’s motion to withdraw as counsel and directed Defendants/Third-Party Plaintiffs to retain successor counsel with appearance to be entered by January 3, 2023. No such appearance has been filed and no opposition has been filed in response to Pickled Punk’s motion to dismiss.

Federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006) (citation omitted). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

For the reasons set forth in the motion to dismiss and above, Pickled Punk respectfully requests entry of an Order dismissing the Third-Party Complaint against it.

Respectfully submitted,
/s/Steven J. Cohen
Steven J. Cohen

cc: All Counsel of Record